

IFW 2152

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AUG 2 2005
PATENT & TRADEMARK OFFICE

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AUG 26 2005
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

Danny L. BEASLEY, et al.

Application Serial No.: 09/683,582

Application Filing Date: January 22, 2002

Title: **COMPUTER INTERCONNECTION
SYSTEM**

Attorney Docket: 2540-0617

Group Art Unit: 2152

Examiner: DINH, Dung C.

2nd RCE Filing Date: May 16, 2005

Date: August 26, 2005

INFORMATION DISCLOSURE STATEMENT

Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) listed on the attached PTO-1449. Copies of any non-U.S. references are attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

The submission of any document herewith, which is not a statutory bar, is not intended that any such document constitutes prior art against any of the claims of the present application or is considered to be material to patentability as defined in 37 C.F.R. § 1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference against the claims of the present application.

☒ This Information Disclosure Statement is being filed within three (3) months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No certification or fee is required.

☐ This Information Disclosure Statement is being filed more than three (3) months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

☐ I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

☐ I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three (3) months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

☐ Attached is our check no. _____ in the amount of \$180 in payment of the fee under 37 C.F.R. § 1.17(p). Please credit or debit Deposit Account No. 501860 as needed to ensure consideration of the disclosed information. A duplicate copy of this paper is attached.

☐ This Information Disclosure Statement is being filed more than three (3) months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Applicant(s) hereby petition(s) that the Information Disclosure Statement be considered. Attached is our check in the amount of \$130 to cover payment of the petition fee under 37 C.F.R. § 1.17(i)(1). Please credit or debit Deposit Account No. 501860 as needed to ensure consideration of the disclosed information. A duplicate copy of this paper is attached.

☐ I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

☐ I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a

counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three (3) months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

☐ Relevance of the non-English language reference(s) is/are discussed in the present specification.

☐ The reference(s) was/were cited in a counterpart foreign application. An English language version of the foreign search report is attached for the Examiner's information.

☐ A concise explanation of the relevance of the non-English language reference(s) appear(s) in the Appendix hereto.

☐ The Examiner's attention is directed to co-pending U.S. Patent Application No. _____, filed _____, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

☐ Copies of the references were cited by or submitted to the Office in parent Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. 120. Thus, Form PTO 1449 is attached without copies of these references. 37 C.F.R. § 1.98(d).

CUSTOMER NUMBER

42624

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Respectfully submitted,



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FORM PTO-1449 (modified)

Attorney Docket No.: 2540-0617

To: U.S. Department of Commerce
Patent and Trademark Office

Applicant: Danny L. BEASLEY, et al.

Appln. S.N.: 09/683,582

Filing Date: January 22, 2002

Examiner: DINH, Dung C.

Group Art Unit: 2152

Date: August 26, 2005

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U.S. PATENT DOCUMENTS

Examiner's Initials		Document Number	Date MM/YYYY	Name (Family Name of First Inventor)	Class	Sub Class	Filing Date (if appropriate)
	AR	5,499,377	03/1996	Lee			
	BR	5,166,674	11/1992	Baum et al.			
	CR	5,673,087	09/1997	Choi et al.			
	DR	4,893,175	01/1990	Fukada			
	ER	5,257,390	10/1993	Asprey			
	FR	5,566,339	10/1996	Perholtz et al.			
	GR	4,962,427	10/1990	Lunn et al.			
	HR						
	IR						
	JR						
	KR						
	LR						
	MR						
	NR						

FOREIGN PATENT DOCUMENTS

English Abstract

Translation Readily Available

		Document Number	Date MM/YYYY	Country	Inventor Name	Enclosed	No	Enclosed	No
	OR					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	PR					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	QR					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	RR					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	SR					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	TR					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	UR					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	VR					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	WR					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	XR					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OTHER (Including in this order Author, Title, Periodical Name, Pertinent Pages, etc.)

YR	DEI LANtender advertisement, Network Computing, September 1992, page 184.
ZR	Rose Electronics MasterNet Networking Software Manual, c1991, pages 1-29.
AAR	DEI Data Communications Products Brochure, pages 1-27.
BBR	Rose Electronics MasterLink Manual, c1988, pages i-20.
CCR	Surecom Technology Corp. EP-1394 PCI Host Adapter Product Information, 2 pages.

Examiner:

Date Considered:

*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM PTO-1449 (modified)

To: U.S. Department of Commerce
Patent and Trademark Office**Information Disclosure Statement by Applicant****Attorney Docket No.:** 2540-0617**Applicant:** Danny L. BEASLEY, et al.**Appln. S.N.:** 09/683,582**Filing Date:** January 22, 2002**Examiner:** DINH, Dung C.**Group Art Unit:** 2152**Date:** August 26, 2005**Page** 2 of 3**OTHER** (Including in this order Author, Title, Periodical Name, Pertinent Pages, etc.)

DDR	PolyCon Product Brochure (in Japanese), 4 pages.
EER	MultYCon Product Brochure, 4 pages.
FFR	Sumisho Electronics Co., Ltd. PolyCon Product Brochure with Price List dated June 1998 (in Japanese), 6 pages.
GGR	Aquarium Computer blue grass micro internet server Product Brochure (in Japanese), 2 pages.
HHR	ELSNER Technologies Company MultYCon NetPC Product Brochure, 1 page.
IIR	ELSNER Technologies Company letter to Raritan Computer Inc. regarding PolyCon Console Management System, May 29, 1998, 3 pages.
JJR	ELSNER Technologies Company MultYCon PolyCon Console Switching and Management System Ordering Catalog, February 1996, 20 pages.
KKR	ELSNER Technologies Company MultYCon Price List for MultYCon Console Switching Products, September 1996, 3 pages.
LLR	ELSNER Technologies Company MultYCon Console Switching and Management System Product Brochure, 2 pages.
MMR	PolyCon Data Systems PolyCon Management System, 4 pages.
NNR	Intelligent Network Management System for 1,024 PCs, PolyCon Data Systems Press Release, 3 pages.
OOR	Intelligent Network Management System for 1,024 PCs, PolyCon Data Systems Press Release, 3 pages.
PPR	ELSNER Technologies Company PolyCon Products Brochure, 29 pages.
QQR	ELSNER Technologies Company MultYCon Console Switching System and Extension Products Catalog 97/98, c1997, 27 pages.
RRR	Declaration of Christopher L. Thomas in support of Cybex's Motion for Partial Summary Judgment of Noninfringement (Cybex Director and 4XP Products), <i>Apex PC Solutions, Inc. v. Cybex Computer Products Corp.</i> and <i>Apex PC Solutions, Inc. v. Rose Electronics</i> , Case nos. C98-246Z and C98-245Z, United States District Court Western District of Washington at Seattle, January 12, 1999.
SSR	Cybex Computer Products Corporation Director Installer/User Guide, 1 st Edition, November 1996.
TTR	Cybex Computer Products Corporation 4xP & 1xP KVM Switches Guide to Applications, c1996.
UUR	Declaration of Christopher L. Thomas in support of Cybex's Motion for Summary Judgment of Invalidity (Prior Art), <i>Apex PC Solutions, Inc. v. Cybex Computer Products Corp.</i> and <i>Apex PC Solutions, Inc. v. Rose Electronics</i> , Case nos. C98-246Z and C98-245Z, United States District Court Western District of Washington at Seattle, January 12, 1999.
VVR	Cybex's Motion for Partial Summary Judgment of Invalidity (Anticipation of Claims 1 and 2), <i>Apex PC Solutions, Inc. v. Cybex Computer Products Corp.</i> and <i>Apex PC Solutions, Inc. v. Rose Electronics</i> , Case nos. C98-246Z and C98-245Z, United States District Court Western District of Washington at Seattle, January 21, 1999.
WWR	Cybex's Motion for Partial Summary Judgment of Invalidity (Obviousness of Claims 1, 2 and 8-17), <i>Apex PC Solutions, Inc. v. Cybex Computer Products Corp.</i> and <i>Apex PC Solutions, Inc. v. Rose Electronics</i> , Case nos. C98-246Z and C98-245Z, United States District Court Western District of Washington at Seattle, January 21, 1999.

Examiner:**Date Considered:**

***EXAMINER:** Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM PTO-1449 (modified)

To: U.S. Department of Commerce
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Attorney Docket No.: 2540-0617

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Appln. S.N.: 09/683,582

Filing Date: January 22, 2002

Examiner: DINH, Dung C.

Group Art Unit: 2152

Information Disclosure Statement by Applicant

Date: August 26, 2005

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OTHER (Including in this order Author, Title, Periodical Name, Pertinent Pages, etc.)

XXR	Defendant Raritan Computer, Inc.'s Response to Plaintiff's First Set of Interrogatories, <i>Apex, Inc. v. Raritan Computer, Inc.</i> , Civil Action No. 01-CV-4435 (BJS)(DFE), United States District Court Southern District of New York, September 4, 2001.
YYR	Defendant Raritan Computer, Inc.'s First Supplemental Response to Plaintiff's First Set of Interrogatories, <i>Apex, Inc. v. Raritan Computer, Inc.</i> , Civil Action No. 01-CV-4435 (BJS)(DFE), United States District Court Southern District of New York, October 11, 2001.
ZZR	Defendant Raritan Computer, Inc.'s Second Supplemental Response to Plaintiff's First Set of Interrogatories, <i>Apex, Inc. v. Raritan Computer, Inc.</i> , Civil Action No. 01-CV-4435 (MP), United States District Court Southern District of New York, November 16, 2001.
ABR	Defendant Raritan Computer, Inc.'s Response to Plaintiff's Second Set of Interrogatories (Nos. 9-12), <i>Apex, Inc. v. Raritan Computer, Inc.</i> , Civil Action No. 01-CV-4435 (BJS)(DFE), United States District Court Southern District of New York, October 30, 2001.
ACR	Defendant Raritan Computer, Inc.'s Supplemental Response to Plaintiff's Second Set of Interrogatories (Nos. 9-12), <i>Apex, Inc. v. Raritan Computer, Inc.</i> , Civil Action No. 01 CV 4435 (MP), United States District Court Southern District of New York, December 12, 2001.
ADR	Defendant Raritan Computer, Inc.'s Second Supplemental Response to Plaintiff's Second Set of Interrogatories (Nos. 9-12), <i>Avocent Redmond Corp. v. Raritan Computer, Inc.</i> , Case No. 1:01-cv-04435 (PKC), United States District Court Southern District of New York, April 26, 2005.
AER	Supplemental Expert Report of Bruce McNair Regarding United States Patent Nos. 5,884,096 & 6,112,264 and 5,937,176, <i>Avocent Redmond Corp. v. Raritan Computer, Inc.</i> , Case No. 1:01-cv-04435-PKC, United States District Court Southern District of New York, April 17, 2005.
AFR	Expert Report of Sharad Malik, Ph.D. (Regarding Noninfringement and Invalidity of Beasley et al. U.S. Patent Numbers 5,884,096; 5,937,176 and 6,112,264), <i>Apex Inc. v. Raritan Computer, Inc.</i> , Civ. No. 01 CV 4435 (MP), United States District Court Southern District of New York, January 13, 2002.
AGR	Defendant Raritan Computer, Inc.'s Amended Statement According to 35 U.S.C. § 282, <i>Avocent Redmond Corporation v. Raritan Computer, Inc.</i> , Civ. No. 01-CV-4435 (PKC), United States District Court for the Southern District of New York, April 25, 2005.
AHR	Findings and Conclusions, <i>Apex Inc. v. Raritan Computer, Inc.</i> , Case no. 01 CIV. 4435 (MP), United States District Court Southern District of New York, February 25, 2002.
AIR	Raritan's Proposed Findings of Fact and Conclusions of Law, <i>Apex Inc. v. Raritan Computer, Inc.</i> , Civ. No. 01-CV-4435 (MP), United States District Court Southern District of New York, February 6, 2002.
AJR	Judgment, <i>Apex Inc. v. Raritan Computer, Inc.</i> , Case no. 01 CIV. 4435 (MP), United States District Court Southern District of New York, February 25, 2002.
AKR	Brief for Plaintiff-Appellant Apex Inc., <i>Apex Inc. v. Raritan Computer, Inc.</i> , Appeal No. 02-1303, United States Court of Appeals for the Federal Circuit, June 3, 2002.
ALR	
AMR	
ANR	
AOR	
APR	

Examiner:

Date Considered:

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